



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 15, 2020

BY ECF

Hon. George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

SO ORDERED:

George B. Daniels
George B. Daniels, U.S.D.J.

Dated: AUG 17 2020**Re: United States v. McCrimmon, 20 Crim. 343 (GBD)—Grand Jury Challenge**

Dear Judge Daniels:

With the consent of defense counsel, the Government writes to request an additional 30 days to respond to the motion filed on July 16 seeking discovery from the Clerk of Court of the Southern District of New York regarding the composition of the grand jury that indicted the defendant. Dkt. 13.

As the Government explained in its last letter to the Court, Dkt. 16, similar requests are pending in numerous cases in this District. On June 30, 2020, in the case of *United States v. Balde*, 20 Cr. 281 (KPF), Judge Failla presided over a conference call with the Jury Administrator for the Southern District of New York, Linda Thomas. Counsel for the Government and defendants in that case and numerous other cases were invited to and did participate in the call. During that call, Ms. Thomas provided additional information about the existence and form of documents responsive to the defendant's requests. On July 14, the Government and defense filed a joint letter in *Balde*, stating that several requests for information had been satisfied based on answers provided by the Jury Administrator during the June 30 call, the Government had no objection to several remaining requests seeking documents, and a few categories of documents remained in dispute. On July 16, Judge Failla resolved those disputes in *Balde*. A copy of Judge Failla's order is attached as Exhibit A.

On August 4, Judge Failla entered a protective order governing the disclosure of documents by the Jury Administrator. The Government expects that the Jury Administrator will produce documents consistent with Judge Failla's order in the near term.

In this case, the parties plan to enter a protective order that is virtually identical to the one in *Balde*. Once the Government has received the *Balde* production, it will: a) produce the relevant portions of that production to the defendant in this case; and b) request any additional relevant documents from the Jury Administrator.

The Government believes that the documents in *Balde* and any additional documents the Government seeks from the Jury Administrator will likely moot most, if not all, of the requests in the defendant's letter. Accordingly, the Government asks that the Court allow the Government until September 17 to continue to confer with defense counsel regarding any remaining requests, and to respond to the motion, at which time the parties can notify the Court whether there is any remaining dispute regarding the defendant's document requests. This is the Government's second request for an extension of time to respond, and the defendant consents.

Respectfully Submitted,

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Acting United States Attorney

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CC: Justine A. Harris, Counsel for Defendant Melike McCrimmon (by ECF)